

Official Proceedings

August 7, 2018
8:00 am

Chairman Elkin called the meeting of the Stark County Board of Commissioners to order. All members present.

Agenda

Chairman Elkin asked for any additions or deletions to the agenda. Exempt employee status was added.

MOTION BY: Commissioner Hoff **SECOND BY:** Commissioner Zander

To approve the agenda as presented with the changes.

DISPOSITION: Motion carried

Minutes

The minutes of the July 3, 2018 Board of County Commissioners meeting were presented.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Kuntz

To approve the minutes of the July 3, 2018 Board of County Commissioners meeting as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

The minutes of the July 18, 2018 Board of County Commissioners special meeting were presented.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Hoff

To approve the minutes of the July 18, 2018 Board of County Commissioners special meeting as presented.

DISPOSITION: Motion carried

Accounts Payable

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Hoff

To approve the accounts payable with the supplement as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Ms. Haag presented an estimate from Allan's Decorating Center in the amount of \$13,202.88 to replace the carpet in the Auditor's office.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Hoff

To approve the presented estimate to be taken out of buildings and grounds in the amount of \$13,202.88.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Ms. Haag presented an invoice from Scull Construction in the amount of \$2,277.39 for the installation of a panic button in the State's Attorney's offices. This was an additional request from the expansion project.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Kuntz

To pay the presented invoice to Scull Construction in the amount of \$2,277.39 to be taken out of capital improvements.

DISPOSITION: Roll call vote. All voted aye. Motion carried8

General: \$566,229.86;

10 Mil: \$278,699.74;

County Road: \$98,807.12;

Highway Tax Distribution: \$184,487.41;

Social Welfare: \$305,754.94;

Capital Improvement: \$416,818.01;

County Jail: \$115,600.31;

VSO Fund: \$11,714.93;

County Agent: \$10,242.00;

Weed Control: \$33,919.13;

9-1-1: \$27,642.70;

Misc Grants: \$400.01;

OT Grant PHSPOP: \$1,292.85;

Estimate Tax: \$11.91;

Security Reimb: \$140.60;

SW Victim Witness Program: \$7,792.05;

Preservation Fund: \$265.00;

State Reimbursements: \$266.89;

Siren Contingency: \$34,258.15;

24/7 Fund: \$5,370.80;

BCI – Asset Forfeiture: \$5.50;

Other Reimbursements: \$4,774.39;

Judgment Execution: \$1,001.04;

911 Equipment: \$234.72;

Zoning

CUP 05-18 – Ronald and Shirley Buckman are requesting a conditional use permit for on-site storage of equipment and material related to oil exploration and production to be located on a parcel located at 12205 Highway 10 in the E ½ of the SE ¼ of Section 3, Township 139, Range 98 on approximately 2.5 acres. Planning and Zoning along with staff recommend approval with conditions.

MOTION BY: Commissioner Hoff **SECOND BY:** Commissioner Zander

To approve the conditional use permit as presented with conditions.

DISPOSITION: Roll call vote. All voted aye. Motion carried

CUP 03-18 – John Throckmorton of Municipal Communications is requesting a conditional use permit for a 400 foot telecommunications tower on a parcel located in the NW4 of Section 28, Township 138, Range 94 containing approximately 157.48 acres on a lease area of approximately 0.25 acres. Planning and Zoning along with staff recommend approval.

MOTION BY: Commissioner Hoff **SECOND BY:** Commissioner Zander

To approve the conditional use permit as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

CUP 04-18 - John Throckmorton of Municipal Communications is requesting a conditional use permit for a 400 foot telecommunications tower on a parcel located in the NE4 of Section 25, Township 140, Range 94 containing approximately 160 acres on a lease area of approximately 0.25 acres. Planning and Zoning along with staff recommend approval.

MOTION BY: Commissioner Hoff **SECOND BY:** Commissioner Zander

To approve the conditional use permit as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Diane Procive attending the meeting after the zoning discussion was held. Ms. Procive was advised to send her concerns in writing to Mr. Josephson and they would be distributed to the Commission. Commissioner Zander stated that if the conditions of the permit for CUP 05-18 are not being met, the Commission can take action.

Sheriff Oestreich

Sheriff Oestreich provided his monthly report which included the following:

- 974 calls for service were reported with 351 hours and 45 minutes courtroom security hours.
- 178 criminal papers were received, 138 were served, and 12 were DNF/Returned;
- There were a total of 589.25 hours of overtime at a cost of \$21,507.91;
- The arrest tally included 103 stops, 6 accidents, 48 citations, and 16 warnings for a total of 70;
- The Sheriff Sales and foreclosures received 9 executions, 2 Sheriff Sales, and revenue of \$620.00;

- The truck reg. program had a total of 2 stop with a total of \$0.00 in fines;
- 177 civil papers were received and 91 were served;
- Transports included 2 for other counties, 13 criminal, 10 daily court, 3 medical, 6 mental health, and 5 juveniles;
- The monthly income included \$1,577.50 for civil, \$26,522.72 for truck reg, \$90.00 for fingerprints, and \$3,275.00 for 24/7.

Sheriff Oestreich presented an out-of-state travel request for August 30th, 2018 to attend a North Dakota Leadership Conference in Washington DC by invite.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Hoff

To approve the out-of-state travel request as presented.

DISPOSITION: Roll call vote. Commissioner Zander, Aye. Commissioner Hoff, Aye. Commissioner Kuntz, Aye. Commissioner Franchuk, Nay. Chairman Elkin, Aye. Motion carried

Sheriff Oestreich advised that a new employee, Colten Trout will be taking time without pay for a military leave.

Road Superintendent - Al Heiser

Mr. Heiser presented his monthly report and advised micro-surfacing on the Enchanted Highway project will start in the next week. Concerns were raised with harvest and traffic.

Discussion was held regarding the shared project between Stark County and the City of Dickinson on 34th St SW. The estimated costs are \$2,700,000 total cost and \$2,400,000 in construction costs. Stark County will cover 75% with the City of Dickinson paying 25%. Mr. Kubas from the City of Dickinson is aware of the project and has placed in the City's 2019 budget. Currently the City of Dickinson is working on a memorandum of understanding and maintenance schedule for the project.

Commissioner Kuntz requested rumble strips be added on 112th Ave SW at the bypass. In addition, rumble strips on 113th Ave SW will be discussed with the City of Dickinson.

Jeremy Wood

CBP-0045(16)05 99TH Ave SW Box Culvert southeast of Lefor – The bid opening was held December 5, 2017 with Martin Construction the low bidder at \$212,822.00. Construction is expected in the 2018 construction season.

CBP-0045(15)02 and CBP-0045(15)03 47th St SW Box Culverts southwest of Richardton – The bid opening was held May 1, 2018 with Edward H Schwartz Construction the low bidder at \$421,624.00. The box culvert shop drawings have been approved. Construction is expected in the 2018 construction season.

30th Street SW (from ND 22 East 3.1 Miles) – We have begun project development to regrade approximately 3 miles of 30th Street SW (along the County line) east of ND 22 to correct steep in slopes and provide added sight distance. This project is a joint project between Stark and Dunn Counties and planned for 2019 construction.

Hydrology Study and 404 Permit Application – We have completed a hydrology study and 404 permit application for an existing bridge located on 84th Ave SW northeast of Richardton. The Army Corps of Engineers has reviewed the application and requested a field archeological report be complete as part of the approval process. The report is complete but has not been approved by the Corps of Engineers at this time.

County Engineer – Justin Hyndman

Mr. Hyndman provided the following monthly report:

- Green River Bridge Structure 45-123-3.0 Replacement – Swingen, 2018 Construction with a completion of October 5, 2018;
- 47th Street SW Structure 129-19.0 and 130-19.0 Replacement and 104th Ave SW Structure 128-25.0 Replacement – Shep’s Welding. Box culverts installed at site 2 and site 3. Shep’s Welding currently working at site 3. Completion of October 19th, 2018;
- 35th Street SW Green River Bridge Low Water Crossing – Martin, 2018 Construction with a completion of October 19th, 2018;
- 119th Ave SW Structure 45-113-20.0 Replacement – Bid Nov. 9, 2018 thru the NDDOT, 2019 Construction;
- CMC4537 Structure 45-138-21 Replacement – Bid Nov. 13, 2020 thru the NDDOT, 2021 Construction;
- 112th Ave SW (30th to 32nd) – KLJ will complete wetland monitoring in June.

Sherry Adams – SW District Health

Ms. Adams presented her 2019 budget request in the amount of \$818,164.84 which is the same funding received in 2018. The 2020 budget request may see an increase due to insurance rates increasing along with possible changes in legislative funding.

Ms. Adams also requested at least three commissioners be present for the annual meeting on September 5th, 2018.

Recommendation for Social Service Architect

Commissioner Zander advised on July 31st, the Social Service Building Committee interviewed and scored the following firms:

- JLG – Score of 366
- Hulsing – Score of 322
- EAPC – Score of 282
- KLJ – Score of 301

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Hoff

To retain the services of JLG Architects for the purpose of design, site selection, and construction of the Social Service facility project.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Commissioner Zander is also recommending a Construction Manager.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Hoff

To proceed with the request for qualifications for the purpose of selecting a construction manager.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Commissioner Zander stated that the proposed land for the project is being priced at \$3.75 per square foot. We are currently looking at 3 acres. Commissioner Zander will work with the State's Attorney's office and present a purchase agreement at the next Commission meeting.

Convention

Ms. Haag advised the North Dakota Association of Counties annual conference will be held October 7th through 9th in Bismarck. 10 rooms have been reserved for Stark County and requested any employee attending the conference to contact her for a room reservation.

City of Belfield – Support Letter

The City of Belfield received a grant to place a new roof on the Belfield Police Department and is requesting a letter of support from Stark County.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Hoff

To authorize the Chairman's signature on the presented letter of support.

DISPOSITION: Motion carried

Discovery Benefits

A request was made to the board to amend the Stark County Cafeteria Plan to reflect the following items:

- Amending the eligibility and participation date the same as our current health plan, which is the first of the month following their start date;
- Amending the maximum limit to be adjusted for increases in the cost of living. For example in 2017 the limit was \$2,600, for 2018 the limit was increased to \$2,650 so each year we would have to amend the plan to reflect the increase. By adopting the limit as adjusted for increases in the cost of living we would not have to amend it on an annual basis.

MOTION BY: Commissioner Hoff **SECOND BY:** Commissioner Franchuk

To amend the eligibility and participation date for discovery benefits to match our existing health plan.

DISPOSITION: Motion carried

Exempt Employee Status

Commissioner Zander presented concerns regarding the department head designation and exempt employee status. A recommendation was made to shift the department head designation from the Tax Director and Planning and Zoning Director to the Stark County Auditor.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Hoff

To move the Tax Director and Planning and Zoning Director department head to the Stark County Auditor.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Exempt employee status should remain with elected officials and essential department heads including the Director of Emergency Services, Road Superintendent, along with the Assistant State's Attorneys. It was the consensus that if employees are working more than 40 hours in a work week, they should be compensated.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Franchuk
To designate the exempt employees as elected officials, Road Superintendent, Director of Emergency Services, and Assistant State's Attorneys starting September 1st, 2018.

DISPOSITION: Roll call vote. All voted aye. Motion carried

JLG – Isaac Karley Final Invoice

Mr. Karley presented the final invoice for the courthouse expansion project in the amount of \$410,642.82.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Zander
To authorize final payment of the presented invoice in the amount of \$410,642.82 to be paid out of the capital improvement fund.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Holly Praus – Amber Hoffstad – Sunrise Youth Bureau

Ms. Praus and Ms. Hoffstad presented on overview of the services offered by the Sunrise Youth Bureau. A 2019 budget request was submitted for 1 mill.

Bridget Lewis – Vector Control

Ms. Lewis presented an overview of the vector control program and is requesting \$50,000 for 2018 and \$150,000 for 2019. The Commission requested a profit and loss statement. For 2018 the program funds should be okay but there is concern with the startup of the 2019 season.

Armor – Alan Ibach

Mr. Ibach presented the Stark County 2019 Information Technology budget. The only significant increase in price is a wire cleanup project located in the IT rooms at both the County Courthouse and Law Enforcement Center.

Richardton Park – Adam Hoselton

Mr. Hoselton advised the Richardton Park Board is working on a project to improve the St. Mary's park basketball court and is requesting \$10,000 towards the project. The Commission asked Mr. Hoselton to make this request at the next Stark County Park Board meeting on September 4th, 2018.

Alley Vacation – Block 4 Frank's 4th Subdivision

A petition was received for the vacation of an alley within block 4 Frank's 4th subdivision in Section 15, Township 139, Range 96.

Chairman Elkin opened the public hearing.

Mr. Miller advised he is looking to vacate the alley to join two parcels to meet the requirements for a septic system to build a home. All neighbors have signed in support of the request.

Chairman Elkin closed the public hearing.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Hoff

To approve the alley vacation request as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Other

Mr. Henning advised the North Dakota Supreme Court upheld the decision regarding Stark County's notification of tax abatements to the State Tax Commissioner.

The following Miscellaneous Receipts were filed: General: \$68,346.15; County Road: \$105,613.29; Highway Distribution: \$237,198.89; Social Services: \$1,110.00; Capital Improvement: \$147,112.24; Veteran's Service Officer: \$13,000.00; Weed Control: \$21,314.50; E-911 Funds: \$26,486.81; Fingerprint Station: \$61.00; Misc Grants: \$723.47; Estimated Tax Revenue: \$2,248.53; Security/Transfer DJS Reimb: \$278.98; Victim Witness: \$1,902.50; Preservation Fee: \$22,662.50; 24/7 Fund: \$5,993.00; Other Reimbursements: \$1,370.72; Judgment Execution: \$1,007.71; 911 Equipment: \$4,674.21;

MOTION BY: Commissioner Kuntz

SECOND BY: Commissioner Hoff

To adjourn the meeting.

DISPOSITION: Motion carried